

# **USER MANUAL FOR NEW OUTFITTER APPLICATIONS**



**STATE OF IDAHO  
OUTFITTERS & GUIDES**



In cooperation with United States Forest Service and Bureau of Land Management

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## **INTRODUCTION**

The IOGLB regulates the outfitting and guiding industry in Idaho for the explicit purpose of safeguarding the health, safety, and welfare of the public. By law, the IOGLB serves other key missions, including the promotion of public recreation and tourism, and helps to conserve the state's fish and wildlife resources.

The outfitting industry plays an important role in the recreational and tourism industry in Idaho. Providing outdoor recreation services and opportunities to the public is a challenging profession with many potential rewards and lots of hard work for those who choose to pursue it. One of the principle ways a person can get into the business today is by purchasing an existing outfitter business or proposing a new outfitting opportunity. This manual has been developed to assist in this process.

## **PURPOSE**

This manual has been prepared for people interested in applying to the Idaho Outfitter and Guides Licensing Board (IOGLB) for an outfitter license. This manual provides general requirements for an outfitter to do business and provides a step-by-step process for submitting an application for an outfitter license. In addition, it outlines the process used to review and determine acceptable applications. A more detailed set of rules is available on the IOGLB Website at [www.state.id.us/oglb/oglbhome.htm](http://www.state.id.us/oglb/oglbhome.htm). More complete instructions regarding Federal permits are available from the local offices.

## **RELATIONSHIP TO OTHER MANUALS**

IOGLB maintains manuals that provide specific information on:

- Selling An Outfitter Business —
- Outfitter Amendments, Major, Minor and One Time Controlled Hunt —

*This handbook has been developed from the Outfitters and Guides Act as amended under Idaho Code, Title 36, Chapter 21, and applicable sections of Idaho Code, Title 6, and Chapter 12. This handbook does not replace or supplant the aforementioned code. IOGLB maintains an up to date set of statutes and administrative rules on its website at [www.state.id.us/oglb/oglbhome.htm](http://www.state.id.us/oglb/oglbhome.htm).*

## TABLE OF CONTENTS

1.0	GENERAL INFORMATION.....	1
1.1	Outfitter .....	1
1.2	Designated Agent .....	1
1.3	Guiding In Idaho .....	1
1.4	Qualifications .....	1
1.5	License Requirements And Restrictions .....	1
1.6	Compliance With Laws.....	2
1.7	Federal Permits .....	2
1.8	Outfitter License Tenure .....	3
1.9	Outfitter Waiting List.....	3
1.10	Buying Or Selling An Outfitter Business.....	3
1.11	Changes To An Outfitters Operating Area Or Activities .....	3
1.12	Privately Held Lands .....	3
2.0	INSTRUCTIONS FOR NEW OUTFITTER APPLICATIONS.....	4
2.1	Determine Application Type .....	4
2.2	General Processing Timeline .....	4
2.3	New outfitting opportunity proposed by an agency or IOGLB. ....	4
2.4	New outfitting opportunity on public land proposed by an individual.....	4
2.4.1	Exhibit 1 .....	4
2.5	New Idaho outfitter opportunities on state managed land. ....	7
2.5.1	Exhibit 2 .....	7
2.6	New Outfitter Opportunities on Privately Held Lands .....	10
2.6.1	Exhibit 3 .....	10
3.0	APPLICATION INSTRUCTIONS & MATERIALS .....	11
4.0	EXAMINATION.....	13
5.0	REFERENCE REQUIREMENTS .....	13
6.0	EVALUATION OF THE OUTFITTER APPLICATION .....	14
7.0	IOGLB FEES.....	14
8.0	LICENSING.....	14
	APPENDIX I .....	16
	DEFINITIONS.....	16
	ATTACHMENT 1.....	18
	NEW OUTFITTER APPLICATION FLOWCHARTS.....	18
	ATTACHMENT 2.....	22
	CHECKLIST FOR NEW OUTFITTER APPLICATION .....	22

## **1.0 GENERAL INFORMATION**

### **1.1 Outfitter**

An Outfitter is any individual, firm, partnership, corporation, or other organization or any combination thereof, who offers professional services in this state and who provides facilities, equipment, and services as advertised or as agreed upon between the outfitter and the client.

An outfitter license is not required of any individual, group, corporation, or club, which limits its services to a membership or an organization that does not offer services to the general public. A group, corporation, or club formed to solicit participation from the general public and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to be licensed.

We currently do not license for waterfowl or upland game (except forest grouse, chukar, and turkeys, under certain circumstances), wagon or sleigh rides, and qualified nonprofit organizations.

### **1.2 Designated Agent**

When the applicant is a corporation, firm, partnership, or other organization or combination thereof, a supplemental form shall be completed, and it shall designate at least one (1) designated agent who is a qualified outfitter who shall be responsible for the outfitting business. The outfitter business and designated agent(s) must each complete an application and obtain licenses. Any applicant who has been approved by the IOGLB as a designated agent must submit a bond prior to the issuance of a license.

### **1.3 Doing Business in Idaho**

IOGLB requires that all outfitters who are incorporated and all individuals doing business under an assumed business name be registered with the Secretary of State's office. Certification must be provided, to IOGLB prior to licensure and must be maintained during the tenure of the license. Please contact the Secretary of State's office at 208-334-2301 or [www.idsos.state.id.us](http://www.idsos.state.id.us) for further information.

### **1.3 Guiding In Idaho**

To guide in Idaho, a person must be licensed as a guide and must be employed by an outfitter. A sole proprietor or designated agent license includes a guide license with the license fee if the applicant possesses the qualifications of a guide as determined by the IOGLB.

A guide license shall specify all activities for which a guide is qualified to guide and shall indicate the outfitter(s) who signed the guide license application as the employing outfitter(s) and identify such limitation(s) or qualification(s) as may be imposed by the IOGLB in issuance of said license.

### **1.4 Qualifications**

An applicant for an outfitter license must meet the following criteria:

**Age:** Be at least eighteen (18) years of age.

**First Aid:** An outfitter who wishes to guide must hold a current first aid card and be aware of general emergency procedures.

**Knowledge:** Have extensive, first-hand knowledge of the area and/or waters and/or activities involved in his proposed operation. When the application includes big game hunting, he must know the habits of the game sought and hunting techniques that are successful in the area, be able to care for meat and trophies, and be familiar with Idaho Department of Fish and Game (IDFG) and firearm laws.

**Training:** Have completed and demonstrated to the IOGLB proper training for the activity.

### **1.5 License Requirements And Restrictions**

**Qualifications:** The qualification(s) of an outfitter or guide licensee shall be determined in accordance with Idaho Code, Title 36, Chapter 21, and Rules promulgated thereunder.

**License:** An outfitter must be in possession of a license before commencing outfitting, guiding, or acting in any capacity as an outfitter. **The submission of a license application does not fulfill this requirement.**

**Operating Area & Activities:** An outfitter's license shall have set forth upon its face, or an attachment thereto, a specific operating area(s) and the specific activities including client and harvest limitations or restrictions for which the licensee is authorized to conduct outfitter services. The outfitter is limited to the operating area and activities on the license.

**Amendments:** IOGLB may consider amending these operating areas and activities upon receipt of a formal amendment submitted by the outfitter. An outfitter amendment manual is available from IOGLB. The approval process is similar to the application process.

**Qualified:** In order to operate, all outfitters must be qualified to guide or have in their employment a licensed guide or a designated agent who is licensed to guide and who are qualified for the activities for which the outfitter is licensed.

**Review:** An outfitter's qualifications to guide shall be reviewed by the IOGLB and, if approved, will be issued both an outfitter and a guide license at no additional fee.

**Guide Restrictions .** A guide shall not guide for any activities, on any water, or in any operating area for which the employing outfitter is not licensed.

**Limitation:** A limitation in number of clientele served, operating area, or any other criteria affecting the safety, health, and welfare of the public or viability of the fish, wildlife, or other natural resources shall be imposed in licensing where such limitation is deemed necessary by the Board.

## **1.6 Compliance With Laws**

All licensees must comply with all local, state, and federal laws. They must at all times cooperate fully with private landowners, public land management agencies, and/or stockmen and respect their rights and privileges. They must advise clients of all applicable conservation and game laws and must not condone or willfully allow their violation. They must report all violations to a law enforcement officer. In instances where violations of local, state, or federal laws have occurred, such violations will be handled in accordance with the following discretionary criteria:

**Violations:** An applicant who has never held an outfitter or a guide license and who has been convicted of a violation of local, state, or federal law may be required to appear before the Board. Each such conviction will be appraised, and a decision to approve or deny the application will be based upon the nature and the circumstances of the violation.

**Examination by IOGLB:** When a license holder is convicted of a violation of local, state, or federal law, the IOGLB will examine the nature of the violation and the circumstances to determine whether a hearing shall be held. The potential outcome could involve restricting, suspending or revoking the outfitter or guide license, or imposing an administrative fine for any violation. Any such violator may be required to appear before the IOGLB before a license will be issued for the following year.

**Notification:** If you have received a conviction, withheld sentence, forfeiture or denial, you must attach an explanation, including the year and location of such, to the application.

**Note:** For the purpose of licensing, the term "conviction" shall mean a finding of guilt [etc. from 36-2113 (b)].

## **1.7 Federal Permits**

Outfitters wishing to operate on federally managed lands or waters must have a current state license issued by IOGLB and a current federal permit issued by the appropriate federal agency in order to operate. Typically, federal permits are issued by federal agencies following the issuance of an IOGLB license. IOGLB coordinates license activities with federal agencies but cannot control federal permitting processes.

The USFS Special Use permit is issued as a temporary or priority permit as determined by the authorized officer. Temporary permits may be reissued as priority use after demonstration of their acceptable performance for a minimum of two years. The issuance of an initial priority permit is a rare occurrence.

An annual BLM Special Recreation Permit is issued for one or more years before issuing a multi-year permit. A permit for up to five years with annual validation may be issued after acceptable performance under an annual permit.

## **1.8 Outfitter License Tenure**

Tenure in any outfitter's operating area ceases with the expiration of his outfitter license at the end of the annual license period which is currently March 31. Priority in the operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of the current license. If the IOGLB does not receive a completed application within ninety (90) days following the end of the license period, the license is relinquished. This date is currently June 30.

## **1.9 Outfitter Waiting List**

When there is competitive interest or there are more outfitter applications than the maximum number of available opportunities, the Board will maintain a waiting list. When or if an available opening occurs and public announcement is made, the Board shall use the waiting list for direct notification to interested parties who will then be required to apply and go through the competitive process to be licensed. Every three years IOGLB staff will contact the people on the waiting list and inquire whether they wish to remain on the list.

## **1.10 Buying Or Selling An Outfitter Business**

Outfitters can sell their outfitting business. See User Manual for Selling an Outfitter Business.

IOGLB shall review all full or partial business sales for non-use. Those sales of business fitting the criteria of non-use may be denied or, in some instances, the Board may approve the sale with the stipulation that use must be established within the following two years or the area or activity may be removed from their license. With the partial sale of a business, an area or activity may be excluded from the sale unless the result of the sale is viable for both the buyer and seller.

The definition of non-use can be found in the IOGLB Rule Book on the IOGLB website at [www.state.id.us/oglb/oglbhome.htm](http://www.state.id.us/oglb/oglbhome.htm).

## **1.11 Changes To An Outfitters Operating Area Or Activities**

Outfitters can request changes to their existing business. See User Manual for Outfitter Amendments, Major, Minor and One Time Controlled Hunts.

## **1.12 Privately Held Lands**

The IOGLB recognizes the rights of private landowners and business owners and, at the same time, recognizes the needs and interest of Idaho sportsmen. As such, the Board feels that it must do all it can to help promote the outfitting industry in the State of Idaho and, when appropriate, IOGLB encourages private land owners to consider providing public access to their privately owned property for public outdoor recreation activities. As a state agency responsible for regulating outfitting and guiding opportunities in the state, the Board believes that it has the responsibility, when possible, to help outfitters service the public without allowing outfitters to monopolize public access or public availability. In doing this, IOGLB has determined the steps outlined below and in Section 4.6, Exhibit 3, that it must take, as a state agency, in licensing outfitters to provide public opportunities on private lands.

- The proposed outfitting opportunity should not restrict public access to public lands accessible only through the private lands that are being proposed for outfitting.
- The proposed outfitter operating area on private lands has the capacity to offer adequate hunting, fishing or recreation opportunities. Typically land based operations and terrain not conducive to the proposed activity may not be considered.
- There must not be any fish or wildlife issues identified by IDFG that cannot be reconciled by the private landowner and outfitter.
- Private land owners holding IDFG Preserve Permits who wish to provide outfitted or guided services must obtain and maintain an Idaho Outfitters and Guides license.
- Outfitter licenses will be issued to only the applicant applying for the license. The landowner(s) will have no controlling interest in the license unless they are the applicant(s).

- Once licensed, the outfitter must maintain a record of all lands which are going to be outfitted during a given year. Changes must be made by completing a major amendment through IOGLB.
- The proposed activities on the private land are not in conflict with other outfitters in the area including current outfitter allocated tags.

## **2.0 INSTRUCTIONS FOR NEW OUTFITTER APPLICATIONS**

### **2.1 Determine Application Type**

The applicant must determine the context in which the application is being submitted. The application procedures and materials and the application review and selection processes are considerably different depending upon agency jurisdiction and the area for which you are applying. Permitting and licensing coordination between the IOGLB, USFS, and BLM is necessary under Exhibit 1 relative to your application. Permitting and licensing coordination between IOGLB, state, or private lands is necessary under Exhibit 2 or 3.

### **2.2 General Processing Timeline**

Generally, the overall licensing process may take 12 to 18 months to complete barring unusual factors.

### **2.3 New outfitting opportunity proposed by an agency or IOGLB.**

Typically, outfitting and guiding opportunities are identified by the public expressing a need or desire or by an applicant expressing an interest in providing these services. However, IOGLB and federal and state land management agencies, through planning or because of recently vacated areas, often identify new commercial opportunities. In this situation, the interested applicant begins by submitting a complete application when a prospectus is advertised (Exhibit 1 Step 7 or Exhibit 2 Step 6).

### **2.4 New outfitting opportunity on public land proposed by an individual**

#### **2.4.1 Exhibit 1**

<b>Step</b>	<b>Applicant Process</b>	<b>Action</b>	<b>Background Info.</b>
1	To initiate a new outfitting opportunity on public land, the proponent notifies the FS, BLM or IOGLB with a written Preliminary Outfitter Operating Plan Proposal and completes the upper portion of the Land Manager's State ment (OG-6) with the name, address and action requested.	When the IOGLB receives a written proposal seeking a new outfitting opportunity, the IOGLB will refer the proponent to the FS or BLM. When the FS or BLM receives a written proposal, i.e., Preliminary Outfitter Operating Plan, seeking a new commercial opportunity, initial screening is completed and a Land Manager's Statement (OG-6) will be sent to IOGLB with at least the preliminary review column completed.	Typically, individual outfitting proposals on public land initiate the need for the competitive and public application process. Submission of a proposal does not convey the right to any permit or license.
2	Proceed to step 6	When a proposal with a completed preliminary Land Manager's Statement is received by the IOGLB, the IOGLB's Executive Director or designee will contact the agency representative to discuss the process to be used to analyze the proposal, if necessary.	Notification and agreement on the process should be accomplished within 30 – 60 days of receipt.

Step	Applicant Process	Action	Background Info.
3		<p>If the FS or BLM determines that the proposal is not in conformance with law, regulation, policy, or management direction, the FS or BLM will notify IOGLB of this determination with the completed final Land Manager's Statement with a written explanation.</p> <p>If the FS or BLM determines that the proposal will be considered, the FS or BLM will then proceed with initiating the National Environmental Policy Act (NEPA) requirements.</p>	<p>The FS or BLM may complete one of two categories in the preliminary section on the Land Manager's Statement. The first category is typically used for minor amendments and the second category is typically used for new applications or for major amendments. They may also skip the preliminary section and move directly to the final section.</p> <p>If the applicant's proposal is not consistent with laws, regulations, policy or management direction, the FS or BLM will skip the preliminary review on the Land Manager's Statement and proceed to the final, explaining the reason for denial.</p> <p>If IOGLB does not agree with the initial review, IOGLB will initiate an appeal process.</p>
4		<p>The FS or BLM will conduct scoping which will include interested agencies, the public, and the IDFG.</p> <p>The FS or BLM reviews public comments and internal concerns to determine the issues identified. The responsible official will determine the appropriate environmental documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Statement). Scoping information and the selected level of environmental analysis will be shared with IOGLB.</p>	<p>Scoping is a requirement of the Environmental Analysis process, outlined in the National Environmental Policy Act (NEPA), to help determine the level and range of issues.</p>
5		<p>The FS or BLM completes the appropriate environmental analysis, and the responsible official documents the decision in the appropriate environmental documentation. The FS or BLM conducts any required consultation with regulatory agencies.</p> <p>1) If the analysis determines that the proposed activity will not be authorized, the responsible</p>	<p>If IOGLB does not agree with the environmental analysis decision, IOGLB will initiate an appeal process.</p>



Step	Applicant Process	Action	Background Info.
		<p>official will offer to meet with the IOGLB to discuss the basis for the decision. The party making the proposal will be formally notified by the IOGLB regarding the environmental analysis decision.</p> <p>2) If the analysis determines the proposed activity will be authorized, the responsible official notifies the IOGLB of the selected alternative. A joint review session is scheduled, if necessary, to determine the elements of the prospectus.</p>	
6	<p>The applicant will be notified of the results of the analysis so that they can prepare a final application.</p> <p>If the applicant disagrees with the decision, they may request appeal information from the FS or BLM.</p>	<p>The FS or BLM completes a prospectus package incorporating feedback from IOGLB. The agency provides a final prospectus to the IOGLB. The IOGLB and FS or BLM will work jointly to advertise and solicit applications.</p> <p>The IOGLB initiates the selection process by inviting applications as required by IOGLB Rules. The IOGLB provides applicants with an information packet including all necessary IOGLB forms and will refer the applicant to the appropriate FS or BLM permit administrator for forms and information. The IOGLB provides a copy of each applicant's proposal to the FS or BLM within a reasonable timeframe.</p>	Where special circumstances warrant, the IOGLB, FS or BLM may waive the competitive process for the permittee or licensee selection, e.g., purchase contract default, estate settlement, lack of competitive interest, or other special condition.
7	<p>Applicants submit a complete application package to the IOGLB for analysis. (See application instructions and materials.)</p> <p>Application forms must be submitted to IOGLB accompanied by all required information and fees. Incomplete and/or illegible applications will be returned and must be corrected and resubmitted prior to the closing date of any prospectus. If application is unsuccessful, all monies will be refunded minus IOGLB processing costs.</p>	<p>The FS or BLM and IOGLB jointly decide to review the applications either by:</p> <ol style="list-style-type: none"> <li>1) Independently and concurrently identifying the top 5 applicants. The results are then shared and a consensus is reached to select the final prioritized list of prospective licensees/permittees; or</li> <li>2) Jointly with the IOGLB following the joint selection process.</li> </ol> <p>If there is a discrepancy, the IOGLB identifies the preferred licensee,</p>	<p>If an application is returned, the applicant may resubmit it one time. If it is returned again, the applicant is subject to a resubmittal fee</p> <p>Once the selection is made, both the IOGLB and the FS or BLM may conduct a final screening of the preferred applicant's background with FS or BLM input to affirm their qualifications.</p> <p>Should there be a question concerning the preferred applicant's background, the applicant will then be scheduled to appear before the Licensing Board.</p>

Step	Applicant Process	Action	Background Info.
		whose name is forwarded to the FS or BLM.	
8	An applicant is chosen and will be contacted by the IOGLB. Applicant will be asked to submit additional information to complete the licensing process.	The FS or BLM completes the final Land Manager's Statement (OG-6) and forwards it to the IOGLB, indicating the intent to issue a permit.	It is the FS or the BLM's responsibility to submit the final Land Manager's Statement directly to IOGLB, and not the Applicant's.
9	If selected, the applicant will be required to complete a Federal Agency permit application, i.e., FS Special Use Permit application, or a BLM Special Recreation Permit application. Applicant may be asked to submit additional information to complete the permit.	The IOGLB issues a license and the FS or BLM issues a FS Special Use Permit or a BLM Special Recreation Permit.  The license is issued as soon as all required applicant submittals are on file.	State outfitter licenses are issued to the preferred applicant typically within two weeks once all final documentation and fees are received.

## 2.5 New Idaho outfitter opportunities on state managed land.

A new commercial opportunity is identified where no similar commercial activity was conducted in the past on lands managed by Idaho Department of Parks and Recreation, Idaho Department of Lands, or Idaho Department of Fish and Game;

Or

Where a break in the continuity of an authorization for an outfitter operating business occurs due to an outfitter license revocation, abandonment, or any other similar circumstance resulting in the need to issue or reissue a new permit or license to conduct an operation in an area where an operation had previously been conducted.

### 2.5.1 Exhibit 2

Step	Applicant Process	Action	Background Info.
1	To initiate a new outfitting opportunity on state land, the proponent notifies the state land management agency or IOGLB with a written preliminary Outfitter Operating Plan Proposal and completes the upper portion of the Land Manager's Statement (OG-6) with the name, address and action requested.	When the IOGLB receives a verbal or written proposal seeking a new outfitting opportunity on State lands, the IOGLB will refer the proponent to the appropriate state land management agency.  When the state land management agency receives a written proposal i.e. Preliminary Outfitter Operating Plan, seeking a new opportunity, initial screening is completed and a	Typically, individual outfitting proposals on state land initiates the need for the competitive and public application process. Submission of a proposal does not convey the right to any permit or license.

Step	Applicant Process	Action	Background Info.
		Land Manager's Statement (OG-6) will be sent to IOGLB with at least the preliminary review column completed.	
2	Proceed to step 6	When a proposal with a completed preliminary Land Manager's Statement is received by the IOGLB, the IOGLB's Executive Director or designee will contact the state land management agency representative to discuss the process to be used to analyze the specific case if necessary.	Notification and agreement on the process should be accomplished within 30 – 60 days of receipt.
3		<p>If the state land management agency determines that the proposal is not in conformance with law, regulation, policy or management direction, the state agency will notify IOGLB of this determination with the completed final Land Manager's Statement with a written explanation.</p> <p>If the agency determines that the proposal will be considered, the agency will take the lead in conducting the "scoping" process in cooperation with IOGLB. Public participation appropriate to the proposal is sought including adjacent outfitter(s) and the IDFG.</p>	<p>The state land management agency may complete one of two categories in the Preliminary section on the Land Manager's Statement. The first category is typically used for minor amendments, and the second category is typically used for new applications or for major amendments. They may also skip the preliminary section and move directly to the final section.</p> <p>If the applicant's proposal is not consistent with laws, regulations, policy, or management direction, the state land management agency will skip the preliminary review on the Land Manager's Statement and proceed to the final review, explaining the reason for denial.</p> <p>If IOGLB does not agree with the initial review, IOGLB will initiate an appeal process.</p>
4		The IOGLB and the respective agency will cooperatively review public comments and internal concerns to determine the issues identified. If it is determined that environmental documentation is necessary, the state land management agency will make arrangements with other responsible state or federal agencies.	

Step	Applicant Process	Action	Background Info.
		<p>If the analysis determines the proposed activity will not be authorized, the applicant will be notified by the state land management agency.</p> <p>If the analysis determines the proposed activity will be authorized with selected alternatives, a meeting between IOGLB and the state land management agency will be scheduled, if necessary, to identify the operating requirements and agree on selection criteria for prospective permittees/licensees.</p>	
5	The applicant will be notified of the results of the analysis so that they can prepare a final application.	<p>The IOGLB completes a prospectus package incorporating feedback from the state land management agency. The IOGLB and state land management agency will work jointly to advertise and solicit applications.</p> <p>The IOGLB initiates the selection process by inviting applications as required by IOGLB Rules. The IOGLB provides applicants with an information packet including all necessary IOGLB forms and will refer the applicant to the appropriate state land management agency representative for forms and information.</p>	Where special circumstances warrant, the IOGLB and the state land management agency may waive the competitive process for the licensee selection, e.g., purchase contract default, estate settlement, lack of competitive interest, or other special condition.
6	<p>Applicants submit a complete application package to the IOGLB for analysis. (See Application Instructions and Materials.)</p> <p>Application forms must be submitted to IOGLB accompanied by all required information and fees. Incomplete and/or illegible applications will be returned and must be corrected and resubmitted prior to the closing date of any prospectus. If application is unsuccessful, all monies will be refunded minus IOGLB processing costs.</p>	<p>The IOGLB provides a copy of each applicant's proposal to the state land management agency within a reasonable timeframe.</p> <p>The IOGLB and the state land management agency jointly review the applications either by:</p> <ol style="list-style-type: none"> <li>1) Independently and concurrently identifying the top 5 applicants. The results are then shared and a consensus is reached to select the final prioritized list of prospective licensees/permittees; or</li> <li>2) Jointly with the IOGLB following the joint selection process.</li> </ol> <p>The other state agency identifies,</p>	<p>Once the selection is made, both the IOGLB and the state land management agency may conduct a final screening of the preferred applicant's background to affirm their qualifications.</p> <p>Should there be a question concerning the preferred applicant's background, then the applicant will be scheduled to appear before the Licensing Board</p>

Step	Applicant Process	Action	Background Info.
		with written documentation to the IOGLB, any applicant that is not acceptable as a permittee. If there is a discrepancy, the IOGLB identifies the preferred licensee whose name is forwarded to the state land management agency.	
7	An applicant is chosen and will be contacted by the IOGLB. Applicant may be asked to submit additional information to complete the licensing process with IOGLB and lease agreement with the state land management agency.	The state land management agency completes Land Manager's Statement (OG-6) and forwards it to the IOGLB indicating the intent to issue a permit. If acceptable, the IOGLB issues a license.	It is the State land management agency's responsibility to submit the final Land Manager's Statement and not the Applicant's. State outfitter licenses are issued by IOGLB upon approval and acceptance of a successful application, typically within two weeks.

## 2.6 New Outfitter Opportunities on Privately Held Lands

### 2.6.1 Exhibit 3

Step	Applicant Process	Action	Background Info.
1	The applicant must contact the private landowner expressing an interest in providing outfitting services on the private land prior to initiating the application process. The landowners, themselves, may also be the applicants.	When the IOGLB receives a written proposal seeking a new outfitting opportunity on private land, the IOGLB will refer the proponent to speak directly with the private landowner and request written permission of the private landowner and /or a "Private Landowner's Statement" (OG-6b)	Typically, an applicant expressing interest in providing an outfitting service on privately held lands initiates these opportunities. Occasionally, agency planning efforts or the public expressing their desire to access private land is made known to IOGLB. In these cases, the IOGLB will contact the private landowner to make them aware of the interest and will work with the private landowner in pursuing an outfitter license if they are interested.
2	To make a proposal, the applicant must obtain the written permission of the private landowner and/or a "Private Landowner's Statement," a written preliminary operating plan, and a map identifying the proposed outfitter operation to IOGLB. When the outfitting proposal includes hunting or fishing opportunities, one must obtain a statement from IDFG supporting the proposal.	When a proposal is received, IOGLB will conduct a "scoping" of the proposed operation appropriate to the proposal in order to identify any issues relative to the operation as reference in section 3.12, Privately Held lands. IOGLB will contact other agencies as appropriate.	Proposals must be submitted accompanied by all required information and the new application fee. This information and these fees allow for scoping and the processing of a new application to occur. Incomplete and/or illegible proposals and unused portions of the fees will be returned.

Step	Applicant Process	Action	Background Info.
3		<p>The IOGLB completes the appropriate review and any required consultation.</p> <ul style="list-style-type: none"> <li>❖ If IOGLB determines the proposed activity will not be authorized, the applicant and the private landowner will be notified.</li> <li>❖ If the IOGLB determines the proposed activity will be authorized IOGLB will facilitate contact between the agency and the private landowner. IOGLB will cooperate to the extent it can to help resolve any licensing issue.</li> </ul> <p>Once the proposal has been approved by IOGLB and all issues are resolved, the proponent will be asked to submit a complete application.</p>	
4	Applicant must complete state application forms and submit acceptable boundary maps identifying the private lands which will be outfitted, a legal description of the lands that will be outfitted, a lease agreement with the private land owner, or title information. They must also demonstrate that the landowner has control and tenure in the land that is being outfitted. (See 5.0 Application Instructions and Materials).	The application will be reviewed for completeness.	Once an application is received and reviewed by the IOGLB, an applicant has ninety (90) days to respond to IOGLB questions and complete the application per direction. If this information is not provided adequately following this 90-day period, the IOGLB may deem the application incomplete, and it will be returned to the applicant. All monies will be refunded minus IOGLB processing costs.
5	Applicant may be asked to submit additional information to complete the license process.	<p>If acceptable, IOGLB will be prepared to issue a license.</p> <p>The license is issued as soon as all required applicant submittals are on file.</p>	State outfitter licenses are issued to the applicant, typically within two weeks once all final documentation and fees are received.

### 3.0 APPLICATION INSTRUCTIONS & MATERIALS

Application forms and a current copy of the Idaho Outfitters and Guides Law and Licensing Board Rules may be obtained from IOGLB's website: [www.state.id.us/oglb/oglbhome.htm](http://www.state.id.us/oglb/oglbhome.htm).

Or

By contacting IOGLB at 1365 North Orchard, Room 172, Boise, ID 83706, (208) 327-7380.

The application must be prepared, using the appropriate forms outlined below. Be sure to provide all required information on each form, using additional sheets if necessary. Please be especially careful to be sure that the information is legible, concise and to the point, and is factual. It is a felony to provide false information in a state or federal application.

As Part of the application to IOGLB, the applicant must complete either an OG-1 or an OG-2.

OG-1 – Sole Proprietor

A type of business option where the outfitter is the sole entity. Applicants may automatically receive a guide license, if they intend to guide, and are qualified, at no additional charge. A designated agent is optional but not required.

OG-2 – Corporate, firm, partnership, or other business entity

A type of business option where the outfitter is incorporated. The applicant must also license someone to serve as designated agent. Corporate or partnership applications must include a copy of the Articles of Incorporation filed with the Secretary of State of Idaho or a signed partnership agreement.

OG-3 – Designated Agent

Applicants submitting an OG-1 may elect to hire someone to act as designated agent for their business. An OG-3 form can be submitted at any time.

Applicants submitting an OG-2 form must hire someone to act as designated agent for their business. An OG-3 form must be submitted at the time of initial application.

A Designated Agent may receive a guide license at no additional charge if he intends to guide and is qualified.

OG-4 – Guide Applications

In order to be licensed, sole proprietors or corporations must have someone licensed to guide. If the sole proprietor or a designated agent is not qualified to guide, then a separate guide license application must be submitted and approved. In addition to the guide application, please submit the appropriate training forms listed below.

Separate Guide applications may be submitted once the applicant is licensed as an outfitter using this form.

OG-5 – River Boating Application

All applications dealing with river activities (float boating, power boating) must identify on this form the proposed river section, lake or reservoir where they hope to operate. This form also includes instructions with regard to OG-11 and OG-17.

OG-6 – Land Manager's Statement

Proposals and completed applications require permission from the land or resource manager/owner, such as the USFS, BLM, Idaho Department of Lands, private property owners, etc. A preliminary Land Manager's Statement must be submitted with all applications, major and minor amendments, and sales agreements to IOGLB.

All applications require an OG-6. There are two stages to utilizing this form that are explained in actions outlined in appropriate exhibits above.

OG-7 – Operating Plan

One of the most significant elements of the application process.

We recommend providing as much detail as possible, using additional pages if necessary (see Operating Plan below).

OG-8 – Financial Statement

Financial status information is a critical part of the overall license proposal. Personal or corporate financial statements are acceptable in lieu of this form.

OG-9 – Outfitter's Amendment Request

This form is necessary when there is a proposed license or permit change. See "User Manual for Outfitter Amendments, Major, Minor and One Time Controlled Hunt."

OG-11 – Boat Training Log

River Training Log for Guides. This form must accompany the OG-1, OG-3, or OG-4 form when the applicant wishes to guide using a power or float boat. Please refer to OG-5 for instructions.

<u>OG-12 – Performance Bond</u>	A Performance Bond at a minimum of \$10,000 is required to be provided prior to final approval and issuance of the outfitter license. It isn't necessary to include this certification when the initial application is submitted. A suggested form for this purpose is provided. Insurance agency documentation is also acceptable.
<u>OG-13 – Relinquishment Form</u>	<p>This form is only used during a sale or a transfer of a business.</p> <p>It is executed by the seller and is required to be submitted prior to final approval. By executing this form, the seller acknowledges he will no longer have any interest in the business once the sale is completed.</p> <p>Not always applicable.</p> <p>See user manual for "Selling an Outfitter Business".</p>
<u>OG-14 – Document Release Authorization</u>	This form authorizes IOGLB to share information with other agencies needed to process the application.
<u>OG-15 – Certified Hunting Guide Training Form</u>	Training form for guides. This form must accompany the OG-1, OG-3, or OG-4 form when the applicant wishes to act as a hunting guide.
<u>OG-16 – Certified Snowmobile Guide Training Form</u>	Training form for guides. This form must accompany the OG-1, OG-3, or OG-4 form when the applicant wishes to act as a snowmobile guide.
<u>OG-17 – Request for Boater's Validated Training Form</u>	This is an alternative training form which can be used for guides in certain instances in place of the OG-11. Please refer to OG-5 for instructions.
<u>OG-18 – 500-Mile Log</u>	Log of River experience of at least 500 miles as a commercial float boat guide.

- The use of an assumed business name, or "dba," requires that name to be filed with the Secretary of State of Idaho in the State Capitol building in Boise, web site: [www.idsos.state.id.us/internet](http://www.idsos.state.id.us/internet), or by calling (208) 334-2301. A copy of that certification must be provided to the IOGLB along with the license application. That name may not be changed without completing an outfitter amendment.
- The Contract of Sale/Sales Agreement, must be submitted along with the initial application materials when the applicant is associated with the sale or transfer of a business. See user manual for "Selling an Outfitter Business." Note: When developing the sales or transfer agreement, do not refer to the transaction as "selling or transferring the outfitter license." Outfitter, Designated Agent, and Guide licenses are not transferable. A better alternative would be "selling or transferring the outfitter business."
- Maps and ownership documents must be submitted when proposing to provide outfitter and guide client services on private land. These documents include:
  - providing a location map identifying the new areas requested for licensing and names and locations of camps to be used;
  - a copy of the deed or title to the property (must include a legal description of the property);
  - a plat or survey map identifying boundaries of the new operating area.

It isn't necessary to include liability or bonding certifications or annual license fees until after the Board has completed its review and reached a decision to approve the application.

#### **4.0 EXAMINATION**

All new applicants applying for a sole proprietor outfitter license or designated agent license will be required to take a written, open book, and/or oral examination on the Act, the Rules, and general outfitting procedures. If the applicant fails the test, he may retake it after a fifteen (15) day waiting period. If he fails it a second time, the application for that license year will be denied due to an insufficient knowledge of matters essential to the conduct of an outfitter operation.

#### **5.0 REFERENCE REQUIREMENTS**

When an outfitter applicant has not been licensed within the previous five (5) years, he must include as references:



- **Five People** : The names, addresses and phone numbers of five (5) people not related to the applicant who have known him for at least five (5) years, three (3) of whom have knowledge of the applicant's qualifications to act as an outfitter, and two (2) of whom shall be bank or credit references.
- **Two Recent Employers** : The applicant must also include the names, addresses, and phone numbers of his two (2) most recent employers and dates of employment with each.

## 6.0 EVALUATION OF THE OUTFITTER APPLICATION

In evaluating an outfitter application for approval or denial, the IOGLB shall consider, but not be limited to, the following criteria:

- **Compliance** : Applicant compliance with qualification criteria as prescribed in the Act and the Rules.
- **Need For Services** : The public need for the proposed service(s) in the area requested on the application.
- **Other** : The extent of the applicant's experience, knowledge, and ability in the area and in the conduct of activities requested.
- **Equipment and Resources to Operate** : The applicant's qualifications by reason of equipment or resources to operate.
- **Previous Record** : The applicant's previous record.
- **Accessibility of Area** : The accessibility of the area and use by the general public, the commercial use already licensed in the area, the particular terrain, and normal weather conditions during the season of operation.
- **Area Requested** : The total amount of area requested, giving due consideration to the effect such license would have upon the environment, the amount of game available to be harvested, the probable impact on the area should the license be issued, and the number of persons who can be adequately served in the area.
- **Operating Plan** : The adequacy and acceptability of the proposed operating plan.
- **Financial Management** : The applicant's knowledge of financial and business management needs and practices.
- **Personnel Management** : The applicant's ability to manage and direct personnel and guests.

## 7.0 IOGLB FEES

The applicant must submit a \$400 one-time application fee at the time the application is submitted to IOGLB. All unused portions of this fee shall be returned to the applicant.

Prior to the issuance of an outfitter license, an applicant will be required to submit an annual license fee of \$300. In addition, all designated agents and guides necessary for the outfitter to be licensed must submit applications and the applicable fees at the time the outfitter application is submitted. Other Designated Agents and Guide license applications that are not essential or required to be licensed should be submitted later or as needed. They cannot be submitted prior to the license being approved.

Payment must be in the form of a certified check, cashier's check, money order, outfitter's company check, or outfitter or designated agent credit card.

Outfitters are expected to pay other fees as required by respective agencies. Example are federal outfitter permit fees, and fees for IDFG licenses and tags.

## 8.0 LICENSING

The Executive Director may approve all routine license applications with concurrence from the Board. Typically, a new outfitter application with extenuating circumstances will be deferred to the Board for review and approval when more than one (1) applicant submits a complete application in response to a prospectus. A hearing typically will be held to decide the successful applicant.

In order to be licensed, some final information needs to be submitted including:

- Adequate liability insurance for the outfitter is required to be submitted prior to license issuance. This coverage must be in the minimum aggregate of \$300,000 for bodily injury or death, in the minimum aggregate of \$500,000 for vehicles per occurrence.
- Performance Bond (OG-12) at a minimum of \$10,000 is required to be provided prior to final approval and issuance of the outfitter license. It isn't necessary to include this certification when the initial application is submitted. A suggested form for this purpose is provided. Insurance agency documentation is also acceptable.
- Relinquishment form (OG-13), if applicable.
- Annual License Fees.

## **APPENDIX I DEFINITIONS**

Application - A packet of documents required by agency to determine eligibility for license or permit.

Amendment - Minor or major change to an existing license.

Bonafide - Certified authentic.

BLM - United States Department of Interior, Bureau of Land Management.

Board - The five (5) members Idaho Outfitter and Guide Licensing Board. Four (4) members appointed by the governor, and (1) member appointed by the Idaho fish and game commission.

Completed Application - An application submitted for Board consideration which contains all of the material required to be submitted by the Board for that license category.

Corporation, LLC, firm or partnership - Type of business entity license. Requires a designated agent license.

Director - The Executive Director of the IOGLB.

Designated Agent - One (1) or more individuals who meet all qualifications for an outfitter's license, who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations.

DBA - Doing Business As, assumed business name.

Exam - An open book test that a sole proprietor or designated agent is required to pass in order to qualify for a license.

Financial Statement - Statement of financial status information, personal or corporate.

FS - Department of Agriculture, United States Forest Service

Guide - any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed.

License - Legal authorization from IOGLB to operate as an outfitter, designated agent or guide in Idaho.

IOGLB - Idaho Outfitter and Guides Licensing Board. A state agency comprised of a five member Board who serve on a part-time basis, an Executive Director and various staff persons.

Land Manager's Statement - A form that must be filled out and signed by the land managing agency or private landowner. This form must accompany the application.

List of Assets - List of items being sold with the business.

LLC - Limited Liability Company

Major Amendment - All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request, i.e. change in licensed operating area, licensed or permitted activities, business operations, or a redistribution of operating area (boundary adjustment).

Minor Amendment - All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request, i.e. name changes, change in DBA, removing activity or an area when not with a sale, guide amendments, designated agent amendments.

Negligible Use - As determined by the demand on the activities as reviewed by the Board. The Board will consider extenuating circumstances, i.e. acts of nature, amount of use, the type of use in the area, or demand on outfitted use on area or activity.

New Opportunity - A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past.

Nonuse - See Definitions, Zero (0) use and Negligible Use.

Operating Plan - Applicant must submit a detailed plan on how they intend to operate, including campsites, user days, number of trips per year, etc.

Outfitter - An outfitter is an individual, firm, partnership, corporation, or other organization or any combination thereof who offers professional services in this state and who provides facilities, equipment, and services as advertised or as agreed upon between the outfitter and the client.

Outfitter License - A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Section 36-2102(b), Idaho Code. The conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent, and filed with the Board.

Prospectus - If a new outfitting and guiding opportunity exists and there is sufficient competitive interest, there will be a request for information outlining the main features of the business and operation.

Relinquishment Form - Form signed by the seller relinquishing all rights to business or portion of business that is being sold.

Responsible Official - A representative of an agency authorized by that agency to take specific administrative action.

Sales Agreement or Contract of Sale - Contract that transfers ownership of the outfitting business and legally binds the buyer and seller to certain terms. Contract must include a list of assets.

Sole Proprietor - A type of business option where the outfitter is the sole entity. A sole proprietor automatically receives a guide license, if they intend to guide, and is qualified, at no additional charge.

Staff - Employees of IOGLB other than the Executive Director.

Stock - Sum of money invested in an outfitting company.

Stock Sell or Transfer - Outfitting business may sell or transfer all or part of the stock invested in the company.

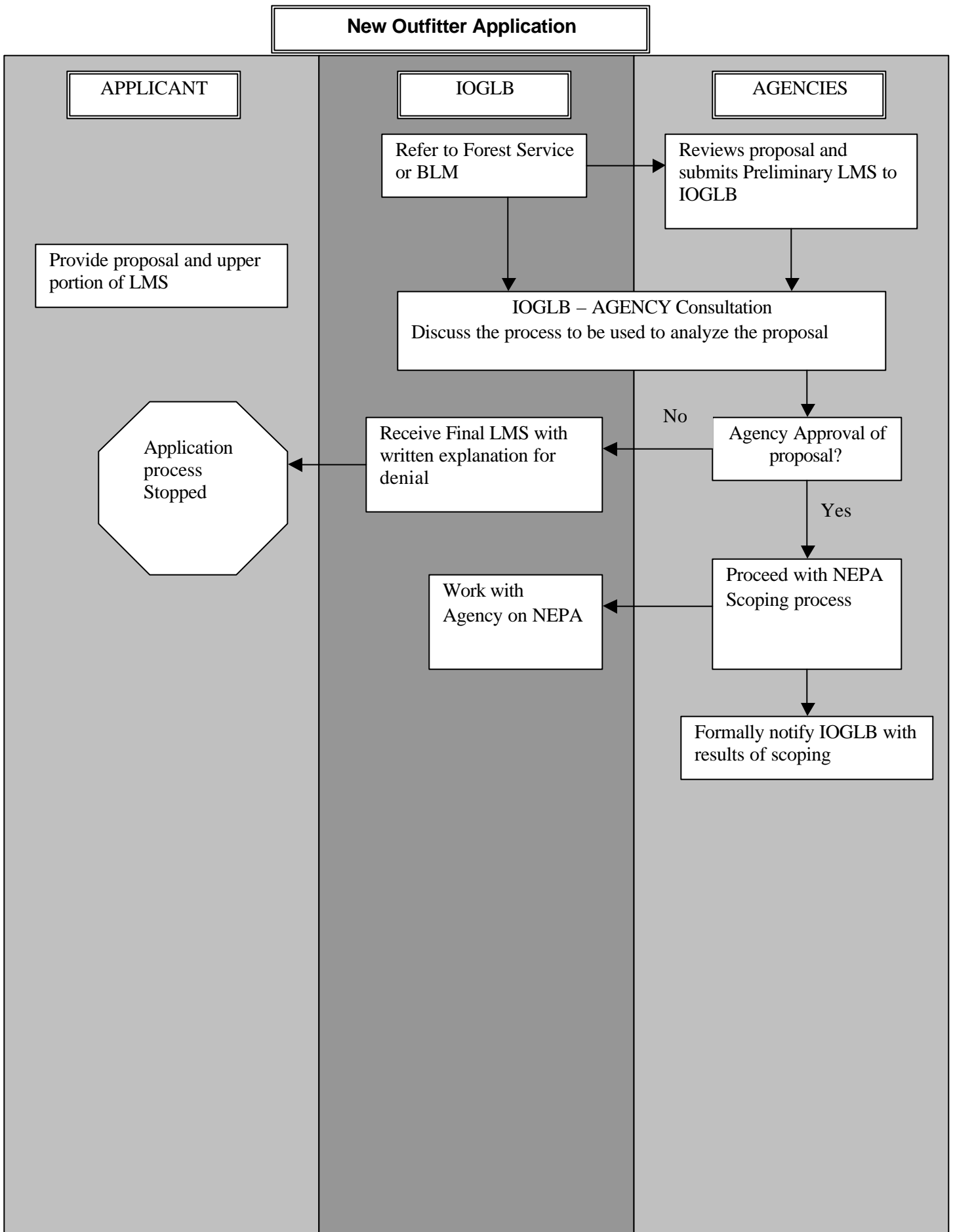
Transfers - Outfitting business transfers due to sale. There has been no break in the continuity of the permit or license, and agency analysis indicates continued outfitted operations are appropriate.

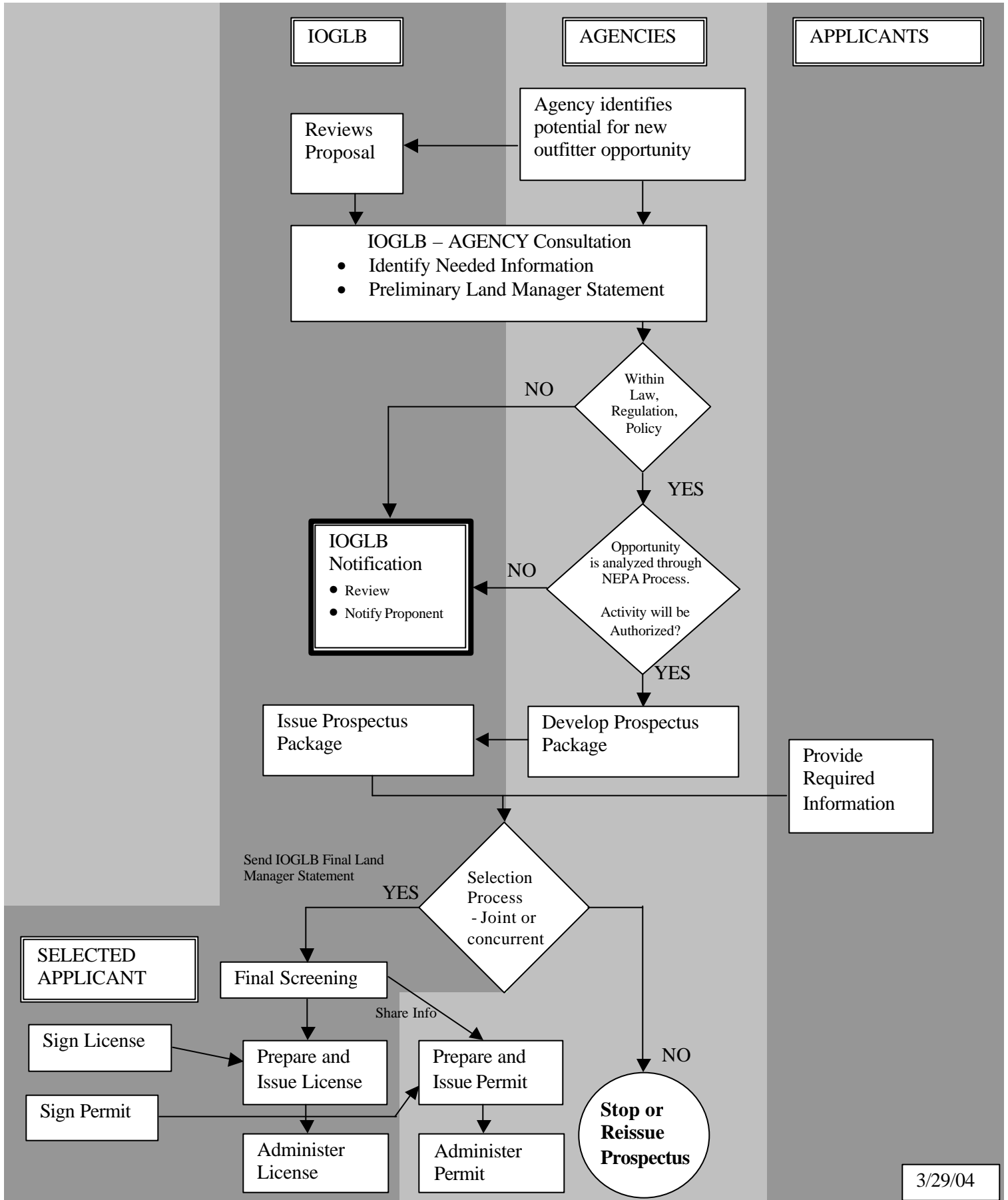
Zero Use - no or negligible use by an outfitter of his licensed activity unless the lack of use is due to an act of nature or season or hunting or fishing restrictions by a state or federal agency that limit the ability of the outfitter to seek and accommodate clientele.

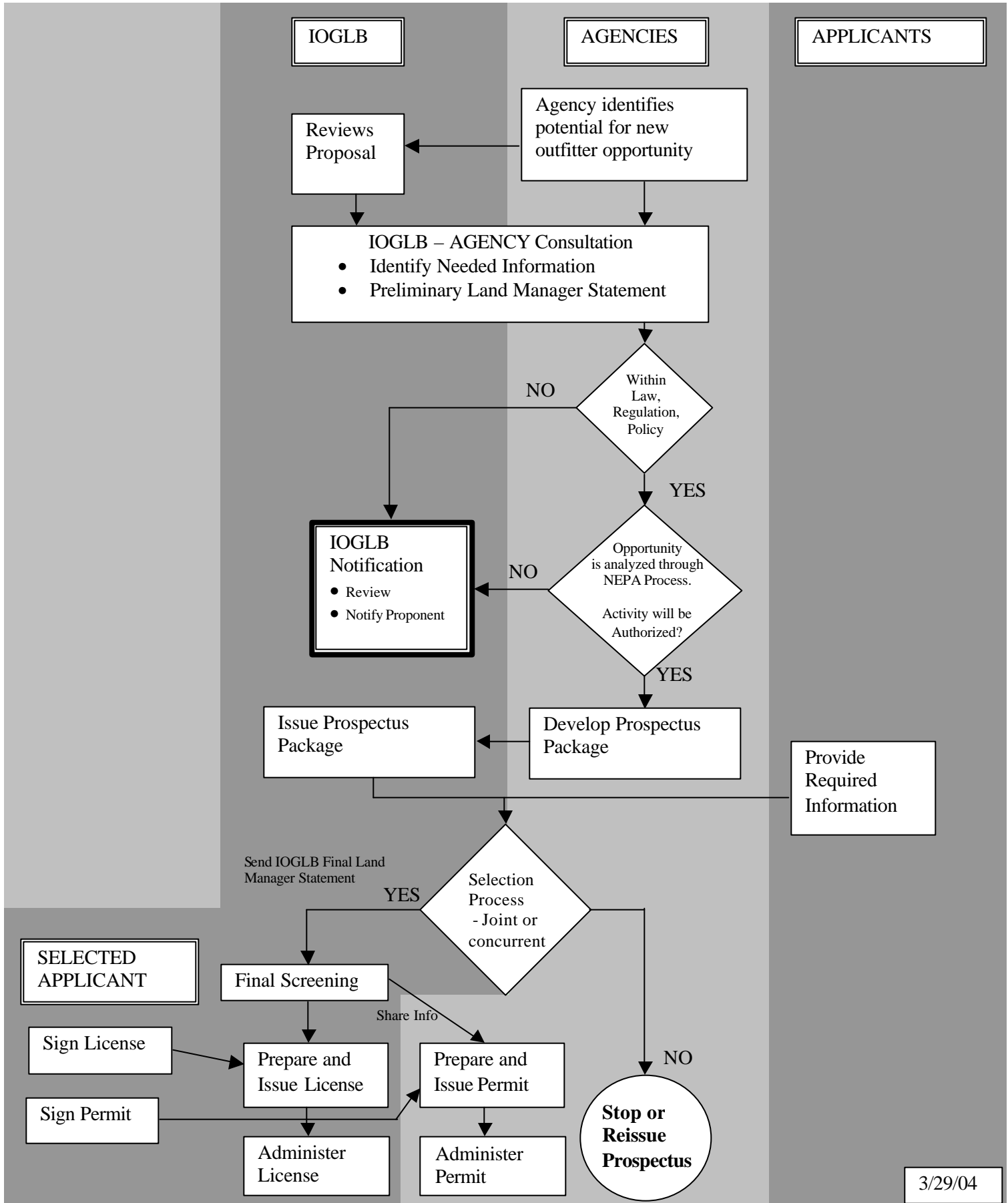
All other definitions are available in IOGLB administrative rules on its website at [www.state.id.us/oglb/oglbhome.htm](http://www.state.id.us/oglb/oglbhome.htm).

**ATTACHMENT 1**

**NEW OUTFITTER APPLICATION FLOWCHARTS**









**ATTACHMENT 2**

**CHECKLIST FOR NEW OUTFITTER APPLICATION**

<b>CHECKLIST FOR</b>  <b>NEW OUTFITTER APPLICATION</b>
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### STEP 1

IOGLB refers all new proponents to the federal agency or agencies. Proponent and agency will set up a meeting to review the proposal.

- ☐ Preliminary Land Manager's Statement (OG-6)
- ☐ Preliminary Operating Plan (OG-7)

### STEPS 2 – 6

No action is required from the applicant at this time. IOGLB and Agency determine the process to be used to analyze the proposal. (See Manual)

### STEP 7

Applicant(s) are instructed to complete all the required application forms and provide them to IOGLB.

#### APPLICANT SUBMITS TO IOGLB

- ☐ New Outfitter Application for Sole Proprietor (OG-1) or
- ☐ New Outfitter Application for Corporation, Firm, Partnership or other Business Entity (OG-2)
- ☐ Designated Agent Application (OG-3) must accompany an (OG-2) form
- ☐ Operating Plan (OG-7)
- ☐ Preliminary Land Manager Statement (OG-6)
- ☐ Outfitter Financial Statement (OG-8)
- ☐ Document Release Authorization Form (OG-14)
- ☐ Required Appropriate Application Fees
- ☐ Map of the Proposed Operating Area

### STEP 8

IOGLB and Agency choose the successful applicant and notify the applicants of their decision. The successful applicant submits a signed final Land Manager's Statement.

- ☐ Final Land Manager's Statement (Applicant submits to agency)

### STEP 9

IOGLB conducts a final screening of the application and does a background check to affirm their qualifications.

#### APPLICANT SUBMITS TO IOGLB

- ☐ Liability Insurance Policy
- ☐ Bond (OG-12)
- ☐ Appropriate License Fees
- ☐ Associated Certified Training Forms (OG-11), (OG-15), (OG-16), (OG-17)
- ☐ Outfitter/Guide River Boating Application (OG-5) When Applicable